

## **BILL ANALYSIS**

C.S.S.B. 803  
By: Seliger  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties call for a study on the feasibility of requiring certain researchers to make research papers available to the public. C.S.S.B. 803 seeks to address this issue by requiring the Texas Higher Education Coordinating Board to work with public institutions of higher education and other appropriate interested persons to conduct such a study.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 803 amends the Education Code to require the Texas Higher Education Coordinating Board, in consultation with institutions of higher education, publishing companies, and any other interested persons the coordinating board considers appropriate, to study the feasibility of requiring each researcher whose research is funded wholly or partly with state money or with federal money, if the research is conducted in Texas or by an institution of higher education, to submit to a state agency an electronic copy of each original research paper by the researcher that is accepted for publication in a peer-reviewed journal. The bill sets out items the study must examine and requires the coordinating board, not later than December 1, 2018, to report the results of the study, its findings, and any recommendations to the legislature. The bill expires September 1, 2019.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 803 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 61,

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 61,

Education Code, is amended by adding Section 61.0666 to read as follows:

Sec. 61.0666. FEASIBILITY STUDY ON COLLECTING PUBLISHED RESEARCH.

(a) This section applies only to a researcher whose research is funded wholly or partly with:

- (1) state money; or
- (2) federal money, if the research is conducted in this state or by an institution of higher education.

(b) The board, in consultation with institutions of higher education, publishing companies, and any other interested persons the board considers appropriate, shall study the feasibility of requiring each researcher to submit to a state agency an electronic copy of each original research paper by the researcher that is accepted for publication in a peer-reviewed journal. The study must examine:

- (1) the time requirements for submitting a research paper;
- (2) the manner for making the research paper available to the public, including posting on an Internet website;
- (3) the state agencies that have the resources necessary to collect research papers and coordinate the dissemination of the research papers; and
- (4) federal law requirements on the publication of a research paper by a researcher whose research is funded with federal money.

(c) Not later than December 1, 2018, the board shall report the results of the study, its findings, and any recommendations to the legislature.

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- (3) the state agencies that have the resources necessary to collect research papers and coordinate the dissemination of the research papers;
- (4) federal law requirements on the publication of a research paper by a researcher whose research is funded with federal money;
- (5) the extent to which submission of the research paper to a state agency would duplicate existing private-sector databases and archives of research articles; and
- (6) the impact the submission requirement would have on:
  - (A) the journal publishers' ability to recover their financial investments in the review and publication of research papers, including investments in the peer review process critical for ensuring the quality and integrity of published research;
  - (B) the publishers' ability to exercise copyright protections related to the research papers; and
  - (C) the publishing industry and jobs in this state.

(c) Not later than December 1, 2018, the board shall report the results of the study, its findings, and any recommendations to the legislature.

(d) This section expires September 1, 2019.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(d) This section expires September 1, 2019.

SECTION 2. Same as engrossed version.